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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,360	07/25/2003	Yong N. Lee	87902	2459

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WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

EXAMINER

JIANG, CHEN WEN

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/627,360	Applicant(s) LEE, YONG N.	
	Examiner Chen-Wen Jiang	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/12/2006 have been fully considered but they are not persuasive. Applicant asserts that "Hlavacek and Preis, alone or in combination, do not teach a container positioning means located in multiple cooling cylinders to direct the position of a stored bottle or container toward one or more locations where the cylinders thermally communicate and/or where a heat sink is located". Examiner respectfully disagrees, Hlavacek teaches a container positioning means located in a cooling cylinder to direct the position of a stored bottle or container toward the location where the cylinders thermally communicate and/or where a heat sink is located and Preis discloses a multiple cooling cylinders with thermal communications between the cylinders. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Hlavacek with two containers in view of Preis so as to cool two containers. The "snugly" enclosed cavities are not part of the teaching and Hlavacek teaches the "direct the position" device.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19,20,21,24,25,26,27,28,31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hlavacek (U.S. Patent Number 5,572,872) in view of Preis (U.S. Patent Number 4,581,898).

Hlavacek discloses the invention substantially as claimed. In regard to claims 19,20,26 and 27, Hlavacek discloses a liquid cooling, storing and dispensing device. The device comprises a container having inner shell 12, colded wall 13, outer shell 17, cover 21, a spring (position means) 14 urging the package 11 toward the cooled wall 13 providing thermal contact (thermally conductive material is inherent), thermoelectric module 15 and heat sink 16. Hlavacek also discloses thermoelectric cooling can be provided with an automatic control system to keep the temperature at a set point (col.3, lines 51-56). Hlavacek also discloses the duration of its application is controlled by the temperature of the item being cooled, the temperature of the thermoelectric module, the ambient temperature or any combination of these temperatures (claim 9). The basic device may have a fan unit to increase the rate of heat dissipation from a heat-dissipating unit of the refrigerating unit. The basic device may have thermal insulation material. However, Hlavacek does not disclose using on two containers. Preis discloses thermoelectric cooling for two container in the same field of endeavor for the purpose of providing two-container cooling/heating. The two cylinders 1 and 2 thermally communicate through the intermediate section 3. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Hlavacek having two containers in view of Preis so as to cool two containers.

In regard to claims 21,25,28 and 32, Hlavacek discloses vacuum 18 may exist between the inner shell 12 and outer shell 17.

In regard to claims 24 and 31, the cover 21 prevents moisture entering the cylinders. Also, this functional language has no weight in the claims.

4. Claims 22 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hlavacek/Preis applied to claims 19 and 26 above, and further in view of Sola (U.S. Patent Number 2,838,916) or Cretzmeyer (U.S. Patent Number 4,580,405).

Hlavacek/Preis disclose the invention substantially as claimed. However, Hlavacek/Preis do not disclose a rotating container means. Sola and Cretzmeyer disclose a rotating container means in the same field of endeavor for the purpose of increasing heat transfer. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Hlavacek/Preis with a rotating container means in view of Sola or Cretzmeyer to increase heat transfer.

5. Claims 23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hlavacek/Preis applied to claims 19 and 26 above, and further in view of Kieler (U.S. Patent Number 4,704,875) or Bloch et al. (U.S. Patent Number 6,494,316).

Hlavacek/Preis disclose the invention substantially as claimed. However, Hlavacek/Preis do not disclose a container positioning means. Kieler and Bloch et al. disclose a position means in the same field of endeavor or analogous art of positioning for the purpose of easy access. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Hlavacek/Preis with a position means in view of Kieler or Bloch et al. to have easy access.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 3744

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chen-Wen Jiang whose telephone number is (571) 272-4809. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chen-Wen Jiang
Primary Examiner

